

FILED
HARRISBURG, PA

DEC 14 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAPER  DEPUTY CLERK

ANTHONEY REID, et.al.	:	
PLAINTIFFS	:	CLASS ACTION
V.	:	NO. 18-cv-0176
JOHN WETZEL, et.al.	:	HON. JOHN E. JONES III
DEFENDANTS	:	

**AMICUS CURIAE BRIEF BY MEMBERS OF THE CLASS
CLARIFYING OUR STANCE ON ISSUES IN CONTENTION**

WE THE UNDERSIGNED MEMBERS OF THE CLASS IN REID V. WETZEL NO. 18-cv-0176 IN ORDER TO CLAIRIFY OUR STANCE ON CERTAIN RELEVANT ISSUES NOW BEFORE THIS HONORABLE COURT IN THE ABOVE CAPTIONED CLASS ACTION DO HERE-IN SUBMIT THIS AMICUS CURIAE BRIEF.

1. IT HAS BEEN BROUGHT TO THE ATTENTION OF THE CLASS THAT SCI-PHOENIX/PA.DEPARTMENT OF CORRECTIONS (D.O.C.) MAY NOW BE ATTEMPTING TO BACK-TRACK ON THEIR AGREED UPON PORTION OF THE SETTLEMENT AGREEMENT IN THE ABOVE CAPTIONED.

TO WIT: THE DEFENDANTS ARE REFUSING TO PERMIT CAPITAL PRISONERS ACCESS TO LAW LIBRARY PRIVILEGES EQUAL TO THOSE OF OTHER GENERAL POPULATION PRISONERS. DEFENDANTS ARE REFUSING TO PERMIT CAPITAL PRISONERS RELIGIOUS SERVICES EQUAL TO THOSE OF OTHER GENERAL POPULATION PRISONERS. THE DEFENDANTS ARE REFUSING TO PERMIT CAPITAL PRISONERS EDUCATIONAL SERVICES EQUAL TO THOSE OF OTHER GENERAL POPULATION PRISONERS. DEFENDANTS ARE REFUSING TO PERMIT CAPITAL PRISONERS ACCESS TO **ACTIVITIES** INCLUDING BUT NOT LIMITED TO **GYM/ART PROGRAM/LEISURE LIBRARY, ETC.** THAT THE DEFENDANTS PERMIT OTHER GENERAL POPULATION PRISONERS TO ENGAGE IN.

2. FURTHERMORE IT HAS BEEN BROUGHT TO YOUR UNDERSIGNED'S ATTENTION THAT THE DEFENDANTS ARE NOW INSISTING UPON FORCING CAPITAL PRISONERS TO WEAR A PRISON UNIFORM OTHER THAN THE STANDARD PRISON UNIFORM THAT OTHER GENERAL POPULATION PRISONERS WEAR.

3. ALL PA. CAPITAL PRISONERS HOUSED WITH IN THE STATES D.O.C. ARE

NOW HOUSED AT SCI-PHOENIX, ON P-BLOCK. P-BLOCK AT PHOENIX IS DIVIDED INTO 2 WINGS. A WING AND B WING. NEITHER A WING NOR B WING ARE DESIGNED TO HOUSE CAPITAL PRISONERS AS DESCRIBED IN THE SETTLEMENT AGREEMENT IN RIED V. WETZEL NO. 18-cv-0176.

4. P-BLOCK AT PHOENIX HAS NO AREA/ROOM SET ASIDE FOR CAPITAL PRISONERS TO ENGAGE IN RELIGIOUS SERVICES, EDUCATIONAL SERVICES, NO GYM, NO AREA FOR ART PROGRAMS, NO LEISURE LIBRARY (OTHER THAN 2 ROLLING CARTS THAT HOLD BETWEEN 30-50 PAPERBACK NOVELS). THERE IS NO PRIVACY OFFERED FOR ANY OF THE AFORE MENTIONED. THERE IS NO QUIET AREA OFFERED. INTERFERENCE, NOISE, FOOT TRAFFIC INTERFERE WITH ANY ATTEMPT TO ENGAGE IN RELIGIOUS SERVICES, EDUCATION, ETC. P-BLOCKS 2 65" TELEVISIONS MOUNTED TO THE WALLS BLARE THE SOUND OF WHATEVER TELEVISION PROGRAM THAT IS BEING SHOWN. MEN USING THE KIOSKS, TELEPHONES, SHOWERS. TALKING, YELLING BACK AND FORTH. ENGAGING WITH ONE ANOTHER ALL CREATE A ENVIRONMENT UNSUITABLE FOR RELIGIOUS SERVICES. EDUCATIONAL PROGRAMS, ETC.

5. CAPITALS ARE REFUSED ACCESS TO THE GYM AT PHOENIX. THE ACTIVITIES AT THE GYM ARE MANY FOLD. INCLUDING BUT NOT LIMITED TO BASKET BALL, VOLLEY BALL, CARDIO ACTIVITIES, WEIGHT TRAINING, ETC. CAPITAL PRISONERS HAVE NO GYM ON P-BLOCK AT PHOENIX.

6. THE CAPITAL CASE MINI LAW LIBRARY ON P-BLOCK AT PHOENIX IS, IN A NUT-SHELL, UNCONSTITUTIONAL. THE PA.D.O.C. HAS A POLICY THAT SPECIFIES WHAT A CCU MINI LAW LIBRARY STANDARDS SHALL BE. SEE: DC-ADM-007 "ACCESS TO PROVIDED LEGAL SERVICES" AS WELL AS ADMINISTRATION OF SPECIALIZED INMATE HOUSING. POLICY NUMBER 7.5.1 SECTION 2- CAPITAL CASE UNIT (CCU) PHASE 1 INMATE. DEFENDANTS DO NOT MEET THEIR OWN MINIMUM REQUIREMENTS AS SET FORTH IN THEIR OWN POLICY FOR CCU MINI LAW LIBRARIES. SEE ALSO: BOUNDS V. SMITH, 430 US 817 (1977) and LEWIS V. CASEY, 518 US 343 (1996) " THE FUNDAMENTAL CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS REQUIRED PRISON AUTHORITIES TO ASSIST INMATES IN THE PREPARATION AND FILING OF MEANINGFUL LEGAL PAPERS BY PROVIDING PRISONERS WITH ADEQUATE LAW LIBRARIES OR ADEQUATE ASSISTANCE FROM PERSONS TRAINED IN THE LAW". BOUNDS.

THE WAY THE CCU MINI LAW LIBRARIES ARE SET UP ON P-BLOCK AT PHOENIX LACK THE MINIMUM REQUIREMENTS AS SET FORTH IN THE PA.D.O.C.'S OWN POLICY. CHAIRS, DESK AREAS ARE NOT OFFERED FOR EACH STATION. MAKING

IT ALL BUT IMPOSSIBLE FOR A CAPITAL PRISONER TO UTILIZE THE WORK STATION. PROPER SHELVING. LIGHTING. RESEARCH MATERIAL(S) ARE ALL LACKING. THEN THERE IS THE INTERFERENCE. NOISE, FOOT TRAFFIC, ETC. AS DESCRIBED SUPRA. THIS INTERFERENCE MAKES CONCENTRATION ON ONES LEGAL WORK VERY DIFFICULT, ALMOST IMPOSSIBLE. LASTLY, WITH REGARD TO THE CCU MINI LAW LIBRARIES. THERE IS ZERO PRIVACY. ALL FOOT TRAFFIC MAY STOP AND VIEW YOUR WORK. ALL PRIVATE, SENSITIVE LEGAL MATERIAL IS RIGHT OUT IN THE OPEN FOR ALL TO VIEW. THE CCU MINI LAW LIBRARIES ARE OUT ON THE OPEN BLOCK. MOUNTED TO THE BLOCK WALLS NEXT TO THE BLOCKS TELEPHONES. KIOSKS. UNDER THE 65" TELEVISIONS THAT ARE MOUNTED TO THE SAME BLOCKS WALLS.

WE THE UNDERSIGNED INVITE THIS HONORABLE COURT TO VISIT P-BLOCK AT PHOENIX. DO A WALK THROUGH. SEE THE DESCRIBED CONDITIONS FOR IT'S SELF.

7. RATHER THAN PERMIT CAPITAL PRISONERS EQUAL ACCESS TO SCI-PHOENIX LAW LIBRARY, THE DEFENDANTS CHOOSE TO VIOLATE THEIR OWN POLICY. DEFENDANTS CHOOSE TO VIOLATE THE LAW. RATHER THAN PERMIT CAPITAL PRISONERS EQUAL ACCESS TO RELIGIOUS SERVICES IN THE CHAPEL, EDUCATION, ART PROGRAM IN THE ACTIVITIES DEPARTMENT. THE DEFENDANTS WOULD RATHER VIOLATE THEIR OWN SETTLEMENT AGREEMENT. THE SETTLEMENT AGREEMENT THAT THIS HONORABLE COURT ACCEPTED. RATHER THAN PERMIT CAPITAL PRISONERS EQUAL ACCESS TO THE FACILITIES GYM. THE DEFENDANTS CHOOSE TO DENY ANY EQUAL TREATMENT IN THIS REGARD.

8. THE DEFENDANTS ARE ATTEMPTING TO FORCE CAPITAL PRISONERS TO WEAR A UNIFORM OTHER THAN THAT OF OTHER GENERAL POPULATION PRISONERS.

WE THE UNDERSIGNED STRENUOUSLY OBJECT TO THIS. FIRSTLY, IT HAS ALREADY BEEN AGREED UPON THAT CAPITAL PRISONERS ARE TO WEAR A UNIFORM THAT STANDARD GENERAL POPULATION PRISONERS WEAR. CAPITAL PRISONERS CURRENTLY WEAR THE STANDARD ISSUE BROWN UNIFORM OF GENERAL POPULATION PRISONERS. SECOND, TO FORCE CAPITAL PRISONERS TO WEAR "BLUES" WILL BE A IDENTIFICATION TATIC USED BY CORRECTION OFFICERS. THIS OPENS THE DOOR FOR ALL SORTS OF ABUSE. THE PA.D.O.C. MAY AS WELL INSIST THAT CAPITAL PRISONERS WEAR THE L-5 ORANGE JUMPSUIT THAT WE WERE FORCED TO ENDURE FOR MANY, MANY YEARS. A TARGET COLOR IN THE D.O.C. A COLOR THAT DENOTES A PROBLEM PRISONER. A COLOR THAT IDENTIFIES ONE AS A RULE BREAKER. A COLOR THAT DENOTES A PRISONER PRONE TO VIOLENCE. A

SIGNATORY/CLASS MEMBERS

s/ R. Laird
RICHARD LAIRD

DATE: 12/4/2020

s/ [Signature]

DATE: 12/4/2020

s/ Robert A. Flor

DATE: 12/4/2020

s/ [Signature]

DATE: 12-4-20

s/ [Signature]

DATE: 12-7-20

s/ Darwin Houser

DATE: 12/4/2020

s/ [Signature]

DATE: 12/4/20

s/ Melvin Wright

DATE: 12/4/20

s/ Yvonne Borgelinkhuizen Jr

DATE: 12/4/20

s/ [Signature]

DATE: 12/4/20

s/ Michael E. Ballard

DATE: 4 Dec. 20

s/ [Signature]

DATE: 12/4/20

s/ [Signature]

DATE: 12-4-2020

s/ Michael [Signature]

DATE: 12-4-2020

s/ [Signature]
Patrick Honey
LL7968

DATE: 12/4/20

s/ [Signature]


DATE: 12-4-2020

s/ Steph R. Ehrlich

DATE: 12/4/20

DECLARATION

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY PERSONAL KNOWLEDGE.

s/ 
RICHARD LAIRD

DATE: 12/4/2020

CERTIFICATE OF SERVICE

A TRUE AND CORRECT COPY OF THE FOREGOING HAS BEEN SERVED UPON THE FOLLOWING BY FIRST CLASS MAIL.


1. CLERK OF COURTS
US DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
PO BOX 983
228 WALNUT STREET
HARRISBURG PA 17108

2. HON. JOHN E. JONES III
US DISTRICT JUDGE
US DISTRICT CIURT
MIDDLE DISTRICT OF PENNSYLVANIA
PO BOX 983
228 WALNUT STREET
HARRISBURG PA 17108

3. TIMOTHY A. HOLMES
OFFICE OF CHIEF COUNSEL, PENNSYLVANIA D.O.C.
1920 TECHNOLOGY PARKWAY
MECHANICSBURG PA 17050

4. MARK D. TATICCHI
FAEGRE DRINKER BIDDLE & REATH LLP

CLERK OF COURTS
US DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
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228 WALNUT STREET
HARRISBURG PA 17108

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PER 
DEPUTY CLERK


RE: REID V. WETZEL NO. 18-cv-0176

DEAR CLERK,

GREETINGS RICHARD LAIRD HERE. CURRENTLY I AM A INDIGENT CAPITAL PRISONER HOUSED AT SCI-PHOENIX, PA. I AM ALSO A MEMBER OF THE CLASS IN RIED V. WETZEL NO. 18-cv-0176.

ENCLOSED PLEASE FIND A AMICUS CURIAE BRIEF BY MEMBERS OF THE CLASS (RIED V. WETZEL NO. 18-cv-0176) CLARIFYING OUR STANCE ON ISSUES OF CONTENTION THAT IS BEING FILED IN THE ABOVE CAPTIONED.

THANK YOU FOR YOUR ATTENTION IN THIS MATTER.

s/ 
RICHARD LAIRD
SCI-PHOENIX

DATE: 12/7/2020

CC:FILE

Name: R. LAIRD

Number: AT0811

Box 244

Collegeville, PA 19426-0244

RECEIVED
HARRISBURG, PA
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PER DEPUTY CLERK

CLERK OF COURTS
US DISTRICT COURT
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HARRISBURG PA 17108

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CORRECTIONS
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